G.F. 11 & 12.

1929

Department of Land Revenue & Sett

OFFICE Board of Revenue

STATION Madras.

Nil No. L22 F 1165/2.

Dated 8 2 1929

To whom sent

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(SUBJECT.)

Advances Loans - South Kanara Mangalore Tk — Jeppinamogar village - arrears - sale of lands - cancellation - Orders passed

* Not to be filled in in the case of permanent records.

71165

Ref.B3- 3119-28 South Kanara Collector's Office,

Mangalore, Dated 9th February, 1929

BOARD OF REVENUE
15 FEB 1929

From

G. W. Nelson, Esquire, M.A., I.C.S.,

Collector of South Kanara.

To

The Secretary to the Board,

Land Revenue & Settlement,

Madras.

Sir,

Advances - Loans - Land Improvements Loans Act - Mangalore Taluk -Jeppinamogar village - Rs.500/- Non-completion of work - summary recovery - sale of security land -cancellation - requested.

The Tahsildar, Mangalore, granted a loan of Rs 500/- to Iddine Beari and two others jointly in L.O.48/35 dated 23-3-26 under the Land Improvements Loans Act. The object of the loan was the rebuilding of the rivetment of their mulgeni holding S.No.86/13 of Jeppinamogar village destroyed by floods and filling it with sand and mud. The security for the loan consisted of the mulgeni right in the sub-division and improvements thereon.

2. The borrowers failed to complete the work, and the Tahsildar ordered the summary recovery of the entire amount advanced. The borrowers did not pay the amount. The mulgeni interest of the borrowers in the plot accepted as security was, therefore, notified for sale. There were in all six sales as detailed below.

Date of sale.	Result.
11-3-27	Rs 154 highest bid
27-4-27	Rs 315 - do -
16-7-27	No bids.
31-8-27	
29-10-27	Rs 250 highest bid.
1-9-28	Rs 55 - do -

The first sale was held by the Revenue Inspector but as bid obtained was not adequate, the second sale was held the Tahsildar personally under the orders of the Revenue

Divisional Officer. As the amount obtained at this sale also was not sufficient to cover the amount due, the Tahsildar recommended a resale, which was sanctioned by the Revenue Divisional Officer. This sale also was conducted by the Tahsildar personally but proved infructuous. The fourth sale was, similarly, without result. The fifth sale however obtained Rs 250/-, The highest bidder in this sale was Mr. J.P.Sequeira the mulgar of the plot and the sale was held subject to the previous encumbrance of Rs 50/- due to the same J.P.Sequeira. The Tahsildar recommended to the Revenue Divisional Officer the confirmation of this sale stating that no higher bids could be expected.

3. At this stage of the proceedings, the question arose as to the correct position of the house of the borrowers reported at the original enquiry by the Revenue Inspector to fall within the security land proposed to be improved, that is to say, whether it was situated in the sub-division mortgaged (S.No.86/13) to Government or not. On verification, it was found that the house fell outside the limits of the security plot. The Revenue Divisional Officer, therefore, submitted the papers to the Collector for orders.

4. Since the loan was sanctioned under the Land Improvements Loans Act the amount due to Government is a first charge and the prior mortgage is extinguished. For this reason and also because the inclusion of the house site in the security lands at the sale was incorrect, the fifth sale also was cancelled and the Tahsildar was directed to hold a fresh sale free of encumbrances but excluding the house-site.

5. This last sale was held in the Taluk office, Mangalore and obtained only Rs 55/- offered by the mulgar J.P. Sequeira. The Tahsildar who held this sale reported that there was no likelihood of securing higher bids and the Revenue Divisional Officer agreed with him. I therefore, confirmed the sale.

6. As this transaction resulted in a loss of Rs 553-3-4 to Government I called upon L.R.Ry. S. Babu Rao Avl., the Tahsildar who sanctioned the loan and B.J.S.Sequeira the

Revenue Inspector who enquired into the loan application and recommended the loan, to show cause why the loss should not be recovered from them, 3/4 of the amount from the Tahsildar and 1/4 from the Revenue Inspector. Mr. Babu Rao in his explanation stated that there is a survey mistake in the field by rectifying which the house site would fall in the sub-division mortgaged to Government and that the garden is worth very much more than Rs 55/-. I, therefore, directed the Inspecting Tahsildar to verify the measurements of the field and I also inspected the place. The Inspecting Tahsildar's verification showed, as did that of his predecessor, that the house site was not included in the security lands. At the time of my inspection, Mr. Babu Rao gave up his contention that the house-site falls in the security land and accepted the Inspecting Tahsildar's finding. The house itself is not worth much, as at the most, it may be valued at Rs 25/-. The possible annual rental of the garden was estimated by persons whom I saw at the spot to be Rs 20/-. Deducting Rs 2-12-0 the annual mulgeni rent, the net rental is Rs 17-4-0. Capitalising this at 6%, the usual rate adopted in valuation in Probate cases, the value is about Rs 287. I therefore think it possible that the plot might obtain in a resale considerably more than Rs 55/-. Mr. B. Babu Rao whom I called upon to say whether he can secure a bidder for at least Rs 250/-, states that he can secure bidders for that amount for the house and garden in the event of their resale. If such a course is possible I request that the Board may be pleased to cancel the confirmation of the sale and direct a resale of the plot but in view of section 38 of Madras Act II of 1864 I doubt whether it can be done.

I enclose the following records for reference.

(1) Mangalore Taluk file L.O.48/35.

(2) Mangalore Taluk File of sale papers.

8. I find that in the Loan Order file 48/35 and for a considerable period in the proceedings relating to the sales

for default the plot was erroneously described as 33/13 while in fact there was no sub-division so numbered.

Your obedient servant,

K Ramanathan

For Collector.

ap: - 11.2.29.

DRAFT FOR APPROVAL.

Enclosures. 1, 2, 3

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Register No. 7/1165, dated

From

Subject.

Advances. Loans. S. Kanara. Mangalore Tk. Jeppina maja village. arrears. Sale of land. To Cancellation. orders passed.

THE

Res^{n}: no 692 d 28-2-192[illegible]

The Coll^{r} is informed that the Sale of the plot in ques cannot be cancelled except with the consent of the purchaser the Coll^{r}.

2. He is requested to report the steps he proposes to take for the realisation of the loan arrears still due to Govt.

Advances Loans. Skanara - Mangalore
Dt - Jeppina mogaru village - areca
Sale of lands - cancellation

No 2 (captioned)
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AS (Secl)
AS (Secl)
this file

From
The Coll[r] of Skanara
F 1165-

AS (Secl)

Please see the letter from the Coll[r] of S. Kanara at pp 1-4 C.

2. The plot in question (S no 86/13) was sold for Rs 55 & was purchased by M[r] J.P. Segueira of Mangalore. The was confirmed by the Coll[r] Now suggests that in view of the possibi of getting a better price for the plot if sold again, the Sale may be ca of Such a course is possible.

Sec[n] 38 of the Madras Revenue Rec Act II of 1864 is clear. There no material irregularity or un or fraud in publishing or conduc the Sale nor ~~has there been~~ is it that a substantial injury ha caused by the Sale to any per owning or claiming any inter the property.

It seems :: that the Sale cannot
A Section will examine this question

the Collr may be asked to report the steps he proposes to take for the realisation of the loan amount with due speed. The question of the responsibility of the officers connected with the grant of the loan may be considered after the receipt of the Collr report.

For orders

KM 20.2.29. CR 21.2.29

The order confirming the sale was passed by the Collector himself and he cannot now reconsider that order - vide Advr. Genl's opinion at p 66 of BP. Mis 142 of 29-1-18 (H)

Though this is so, the Sale may be Cancelled if the purchaser does not object.

RD 26/2 pm 28.2.29

The Collr. may be informed that the Sale cannot be cancelled except with the Consent of the purchaser.

AS 26/2/29 to 27.2.29.

AS (Secl)

AS (Secl)

Draft Submitted

KM 28.2.29.

AS 28/2/29

CR